

**No. 20-7320**

**IN THE SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM 2020**

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**ZBIGNIEW M. LASKOWSKI,**

**Petitioner,**

**v.**

**WASHINGTON STATE DEPARTMENT OF**

**LABOR AND INDUSTRIES,**

**Respondent.**

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**PETITION FOR WRIT OF CERTIORARI TO  
THE WASHINGTON STATE COURT OF APPEALS  
DIVISION II**

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**PETITION FOR REHEARING**

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## **QUESTION PRESENTED**

Whether in reviewing of claim, appellate court must apply de novo review where the Judge of Washington State Court of Appeals, Division II failed to make specific findings on the question whether same standards of “compensable consequences doctrine” should apply to this case, Zbigniew Laskowski v. Washington State Department of Labor and Industries as applied to Washington State Court of Appeals, Division II; Clark County; Department of Labor and Industries v. Jennifer Maphet, No. 51170-3-II (August 2019) Published Opinion (October 2019).

## **LIST OF PARTIES**

Parties to proceedings in this Court are:

Peter B. Gonick, Deputy *Solicitor General*, Office of Attorney General of the State of Washington.

Parties to the proceedings in Washington State Court of Appeals, Division II were:

Anastasia Sandstrom, AAG, Washington State Attorney General Office, Division of Industrial Insurance Washington State Department of Labor and Industries, Division of Industrial Insurance;

## TABLE OF AUTHORITIES

### CASES

COURT OF APPEALS OF THE STATE OF WASHINGTON, DIVISION II  
CLARK COUNTY; DEPARTMENT OF LABOR AND INDUSTRIES v.  
JENIFFER MAPHET, NO. 51170-3-II (AUGUST 2019) (OPINION PUBLISHED OCTOBER 2019).

### STATUES

RCW 51.04.050, .060, 020 & 030

RCW 51.04.

RCW 51.08.140

RCW 51.32.220, .225, .240

RCW 51.52.100, .102, .115, .140

RCW 34.05.455, .562

WAC 296-20-01002, -270, -280, -290, -300, -250, -260, -220, -540,  
-530, -590, -600, -610, -620, -630, -640, -670, -680

WAC 263-12-093, WAC 263-12-095

## **CONSTITUTIONAL PROVISIONS INVOLVED**

Pursuant to Rule 44 of this Court, Petitioner, hereby respectfully petitions for rehearing of this case before a full nine-Member Court.

The Equal Protection Clause provides:

nor shall any State . . . deny to any person within its jurisdiction the equal protection of the laws.

The Due Process Clause provides:

No person shall . . . be deprived of life, liberty, or property, without due process of law.

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**ON PETITION FOR WRIT OF CERTIORARI TO  
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**FACTUAL BACKGROUND**

Zbigniew M. Laskowski respectfully petition for rehearing in a writ of certiorari to review judgment of the Court of Appeals of the State of Washington, Division II in this case.

The panel opinion in this case is prejudicial and discriminatory when not applying its own early ruling and when lacking recognition of existing law like WAC 263-12-095.

By stating above the Petitioner certifies that the grounds are limited to intervening circumstances of substantial and controlling effects, not all previously presented.

The decision of the Court of Appeals of the State of Washington, Division II, Clark County; Department of Labor and Industries v. Jennifer Maphet No. 51170-3-II, is reproduced in the appendix to the petition at Pet. App. 1.

This Court Clerk's order denying petition for writ of certiorari is at Pet. App. 9.

Opinion in cases, Zbigniew Laskowski v. Department of Labor and Industries, Washington State Court of Appeals, Division II No. 53067-8-II were issued 49 days apart, following of issuance of Published Opinion of Clark County; Department of Labor and Industries v. Jennifer Maphet, Washington State Court of Appeals, Division II No. 51170-3-II. (Exhibit 1). Both cases were written and concur by the same panel of Judges, Hon. Chief Judge Linda Lee, Hon. Anne Cruser and Hon. Lisa R. Worswick. Both of these cases characterize multiple malpractices. Claim AB 17747, subject of this case of the Washington State Court of Appeals, Division II No. 53067-8-II, was approved for surgery (Exhibit 2 & 3) twice. "In *Ross*, the court addressed the issue of medical malpractice committed when treating a worker for industrial injury. The court stated, "When a workman is hurt and removed to a hospital, or is put is put under care of surgeon, he is still, within every intendment of the law, in the course of his employment and a charge upon the industry, and so continues as long as his disability continues." *Ross*, 89 Wash. at 647. Thus, the court held that the injuries as well as the aggravations of those injuries due to malpractice were within the act because they were "proximately traceable to the original hurt." *Ross*, 89 Wash. at 648. Furthermore, "The court concluded that "the aggravation by malpractice of an injury does not become an intervening cause of damages, but is incidental to the original injury." *Anderson*, 12 Wn.2d at 492." Washington has recognized the rule, referred to as the compensable consequences' doctrine, which establishes that if treatment performed for an

industrial injury causes complications or aggravates the injury, the claim covers the sequalae of treatment. *See Anderson v. Allison*, 12 Wn.2d 487, 496, 122 P.2d 484 (1942); *Ross v. Ericson Constr. Co.*, 89 Wash. 634, 647, 155 P.153 (1916); Clark County; Department of Labor and Industries v. Jennifer Maphet (2019).

## ARGUMENT

Ordinarily, it is exceedingly rare for this Court to grant rehearing. But when this Court would conduct plenary review, a conclusion could be that there are not errors made in Washington State Court of Appeals, Division II No. 53067-8-II decision, that there is deliberate inequality and lack of caring on the fiduciary duty by the workers compensation monopolized system. (Exhibit 4, 5, & 6). This Court therefore should grant rehearing to provide for decision by the Court when it has a full complement of Members.

## CONCLUSION

For the foregoing reasons, the petition for rehearing should be granted.

Respectfully submitted,

Z. M. LASKOWSKI  
Petitioner Pro Se



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